

Read first time and referred to Committee on Judicial Districts.

House bill No. 682, a bill to be entitled "An act to authorize the sale of the railroad and other property and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston and owning tracks which connect or which may be hereafter connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies."

Read first time and referred to Committee on Internal Improvements.

House bill No. 683, a bill to be entitled "An act to fix the time and to regulate the terms for holding district court in Hays and Caldwell counties, in the Twenty-second Judicial District of Texas, and to repeal all laws conflicting herewith."

Read first time and referred to Committee on Judicial Districts.

House bill No. 688, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue to the heirs of S. H. Carter a patent to the north half and southeast quarter of section No. 1, Fisher county, as surveyed by the San Antonio and Mexican Gulf Railway Company, and to set apart to the benefit of the common school fund of the State of Texas."

Read first time and referred to the Committee on General Land Office.

Substitute House bill No. 312, a bill to be entitled "An act to require express companies and others doing an express business to keep general offices in the State of Texas."

Read first time and referred to the Committee on Internal Improvements.

The Chair gave notice of signing, and did sign after the captions had been read.

House bill No. 675, being a bill to be entitled "An act to amend section 57 of an act entitled 'An act to incorporate the city of Austin, to grant it a new charter, and to extend its boundaries.'"

House bill No. 94, being a bill to be entitled "An act to amend article 521, chapter 11, of title 17, of the Revised Civil Statutes of the State of Texas, relating to the power of the board of aldermen over streets, alleys, and other public places."

House bill 362, "An act to authorize the city and town councils in cities and towns having less than five thousand inhabitants, according to the last preceding census, to dispense with the office of marshal."

House bill No. 565, being a bill to be entitled "An act to amend the charter of

the city of Galveston by amending sections 3, 5, 18, 18a, 19, 21, 29, 78a, 113, 127, 128 and 129 thereof and by adding thereto section 132c."

Substitute House bill No. 556, "An act to provide for levying a tax on the occupation of selling or offering for sale the 'Sunday Sun,' the 'Kansas City Sunday Sun,' or other publications of like character, whether illustrated or not."

Read first time and referred to Judiciary Committee No. 2.

The Chair laid before the Senate,

House bill No. 22, a bill entitled "An act to amend article 649, title 21, of the Revised Civil Statutes of the State of Texas."

Bill read third time.

(Senator Dean in the chair.)

By Senator Lewis:

Strike out all after the word "policy" in line 14, page 2.

Pending action.

Senator Smith moved to postpone further consideration till Monday next.

So ordered.

Senator Steele called up the motion to reconsider the vote by which

House bill No. 412, a bill entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State,"

Was passed.

Pending action, on motion of Senator Simpson, the Senate adjourned to 10 a. m. tomorrow.

## SEVENTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, April 12, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Harrison,
Atlee,	Lawhon,
Beall,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.

Absent, excused.

McKinney.

Absent, not excused.

Bailey.	McComb,
Boren,	Stafford.
Lewis,	

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Dickson, the same was suspended.

On motion of Senator Steele, Senator Agnew was excused for non-attendance on last Tuesday, on account of important business.

On motion of Senator Steele, Senator Agnew was excused for Tuesday, cause not given.

On motion of Senator Tips, Senator Dibrell was excused for last Tuesday and Wednesday.

On motion of Senator Harrison, Senator Beall was excused for last Tuesday, on account of important business.

On motion of Senator Atlee, Senator Lawhon was excused for last Tuesday, Wednesday, and Thursday, on account of important business.

On motion of Senator Beall, Senator Harrison was excused for last Tuesday and Wednesday, on account of important business.

On motion of Senator Dickson, Senator Whitaker was excused for last Wednesday and Thursday, on account of important business.

On motion of Senator Whitaker, Senator Dickson was excused for last Wednesday and Thursday, on account of important business.

On motion of Senator Dean, Senator McComb was excused for last Tuesday and Wednesday, on account of sickness.

On motion of Senator Goss, Senator Sherrill was excused for last Tuesday, on account of important business.

On motion of Senator Sherrill, Senator Goss was excused for last Tuesday, on account of important business.

Senator Simpson moved as a substitute that all absentees be excused up to today.

So ordered.

On motion of Senator Colquitt, Senator Stafford was excused for today on account of important business.

#### PETITIONS AND MEMORIALS.

By Senator Lawhon:

Petition of citizens of Bee county, asking passage of Senate bill No. 101, regulating common carriers.

Read and referred to Committee on Internal Improvements.

#### COMMITTEE REPORTS.

Committee Room.

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred,

House bill No. 635, a bill to be entitled "An act to enable the mayor and city council of any town or city to discontinue uninhabited territory as a part of any city or town,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BOWSER, Chairman.

Committee Room.

Austin, Texas, April 11, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

House bill No. 582, a bill to be entitled "An act to authorize the sale of the railroad and other property and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines of railroad extending into the city of Houston, and owning tracks which connect or which may be hereafter connected with the tracks of said Texas Transportation Company, and conferring necessary power upon such companies,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COLQUITT, Acting Chairman.

Committee Room,

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 661, a bill to be entitled "An act authorizing counties and cities to erect bridges in incorporated cities or to co-operate with cities in the erection thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STEELE, Chairman.

#### HOUSE MESSAGE.

House of Representatives,

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has refused to concur in the Senate amendments to House bill No. 271, and asks for a free-conference committee on said bill. Messrs. Mills, Dashiell, Langhammer, Gilliland and Greer have been appointed on said committee on part of the House.

Also that the House has passed the following bill, to-wit:

Senate bill No. 15, a bill to be entitled "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

With House amendments.

Passed by a two-thirds vote—ayes 89, nays 7.

Also, that the House has adopted the report of the free conference committee on Senate bill No. 142.

Respectfully,  
E. W. SMITH, Jr., Acting Chief Clerk.

#### BILLS AND RESOLUTIONS.

By Senator Atlee:

A bill to be entitled "An act to authorize cities of 10,000 inhabitants or less to abolish their charters, prescribing the mode thereof, and providing for the disposition of corporate property and for the assessment and collection of taxes to pay existing indebtedness."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Presler (by request):

A bill to be entitled "An act to regulate and control contracts for the conditional sale, lease or hire of railroad rolling stock, and providing for the recording thereof."

Read first time and referred to Committee on Internal Improvements.

By Senator Dickson (by request):

A bill to be entitled "An act to amend articles 3227, 3238, 3239, and repeal article 3239b, title 63, of the Revised Civil Statutes of the State of Texas, as amended by an act approved March 29, 1893."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dickson, by request:

A bill to be entitled "An act to amend sections 1, 2, 3, 4, 5 of an act entitled 'An act to regulate the sale of spirituous, vinous, or malt liquors or medicated bitters, to fix a tax upon all persons selling such liquors,' " etc.

Read first time and referred to Judiciary Committee No. 1.

By Senator Lawhon:

A bill to be entitled "An act to amend an act of the Twenty-third Legislature, passed April 26, 1893, entitled 'An act to amend article 1139 of title 28, chapter 1, of the Revised Civil Statutes of Texas, and to add thereto articles 1139a, 1139b, and 1139c, relating to the disqualification of county judges.' "

Read first time and referred to Judiciary Committee No. 1.

By Senator Shelburne:

Resolved by the Senate, that Hon. H. Knittle, an ex-member of this body, be and he is hereby invited to a seat within

the bar of the Senate during his stay in the city of Austin.

Adopted.

Call concluded.

#### MESSAGE FROM THE GOVERNOR.

Austin, April 12, 1895.

To the Senate:

Senate bill No. 197 is herewith returned without approval.

The object of the act is to sanction and ratify the title of the Texas and New Orleans Railroad Company to the railroad and corporate rights and franchises of the Sabine and East Texas Railway Company, and to authorize the Texas and New Orleans Railroad Company to purchase, own and operate the railroad of the Louisiana Western Extension Railroad Company. The three corporations named were organized under the laws of this State. The Texas and New Orleans Railroad extends from Houston to Orange, a distance of 105 miles; the Sabine and East Texas Railway extends from Sabine Pass to Rockland, a distance of 102 miles; and the Louisiana Western Extension Railroad extends from Orange to the Sabine River, the State line, a distance of seven miles. The act presupposes a purchase of the Sabine and East Texas road by the Texas and New Orleans Railroad Company and equally implies, what is clearly the case, that the sale was without authority of law. Unless specific legislative authority be given for the purchase of the property and franchises of one railroad company by another, whether they be competing or not, no such power exists and its exercise is contrary to law and public policy.

R. R. Co. v. Morris, 68 Texas, 49.

R. R. Co. v. Rushing, 69 Texas, 306.

The capital stock and bonded indebtedness of the Louisiana Western Extension Railway Company is \$184,000, or \$27.164 per mile, and that of the Texas and New Orleans Railway Company is \$8,641,936 or \$82,304 per mile. The Sabine and East Texas Railway Company has a capital stock of \$300,000. This company, in its name, it seems has no bonded debt. It was sold in 1882 to the Texas and New Orleans Company, which took up its bonded debt and issued in lieu thereof bonds to the amount of \$2,575,000, which with the capital stock will give a stock and bonded indebtedness of \$28,750 per mile. It is provided by the act (section 2) that it shall not be construed to authorize any increase of the outstanding stock, bonds or other indebtedness of the Texas and New Orleans Railroad Company, or that of either of the other companies named, beyond the aggregate of stock and bonded indebtedness of said

companies, or such two or more of them as may be purchased. In the form of a negative, this is authority for an increase of stock, bonds and other indebtedness of the two companies to be absorbed to \$46,072 per mile, this being the aggregate indebtedness per mile of the three roads. The total value of the Louisiana Western Extension Railroad is put by the commission at \$16,086.81 per mile, and the Sabine and East Texas Railway at \$8,787.27 per mile. The law regulating the issuance of stock and bonds of railway companies, approved April 8, 1893, provides (section 2) that no bonds or other indebtedness shall be increased or issued or executed by any authority whatsoever and secured by lien or mortgage on any railroad or part of railroad or the franchises or property appurtenant or belonging thereto, over or above the reasonable value of the said railroad property, and this is unquestionably contravened by the special law under consideration. A nominal organization of the two companies to be absorbed still exists, and it is quite easy to increase the indebtedness to the aggregate authorized before final amalgamation. Without such course the same result may be reached, for after consolidation the commerce of the two sold-out roads may be taxed to pay interest and dividends on the extraordinary and enormous indebtedness of the Texas and New Orleans road. At present, whatever may be the measure of a reasonable freight rate, the commerce of the Sabine and East Texas road may reach the Gulf or a connection at Beaumont with New Orleans, or at Colmesneil with other roads, with no greater tax than such as will yield operating expenses and interest and dividends on \$28,750 per mile. Under this act, if the railway measurement of rates be adopted, the basis of interest and dividends will be \$46,072 per mile. The injustice to the people along the line of this road is therefore plain, and will be more so with time and experience should this act become a law.

Another objection to the bill, is that the Sabine and East Texas road is a competing line with the Texas and New Orleans road, and the act is therefore in conflict with section 5, article 10, of the Constitution, which expressly prohibits the consolidation of competing lines. If these roads were operated independently, freight shipped out of the State eastward over the Sabine and East Texas road would have two outlets, thereby creating competition, one at Sabine Pass and another by connection at Beaumont with the Texas and New Orleans Railroad. With freight shipped over the

Sabine and East Texas road, and destined westward, through connections at Colmesneil this road would compete with the Texas and New Orleans road in the connection at Beaumont. As shown by the diagrams which follow, the case is similar to the attempted consolidation of the East Line and Red River Railroad with the Missouri, Kansas and Texas road, which the Supreme Court denounced in *Railroad Company v. State*, 75 Texas, 434, both because the latter was a foreign corporation and was a competing line (p. 448) with the former.

But this bill should not be considered alone, and these roads are competing in a broader sense than that already noticed. The attention of the Legislature was heretofore called to the operations in California and this State of a Kentucky corporation known as the Southern Pacific Company. In California it has grown to be easily the boldest and most hurtful monopoly in the history of the State. To such an alarming extent has it dominated commerce and imperilled the rights of the people, that the whole State is profoundly aroused against its corrupt and dangerous rule. Some idea of the condition of affairs there may be had from the following, taken from the report of a special representative of a great nonpartisan journal, and published in March:

"Every railroad in California is bonded for twice or more than twice its cost, and it has been declared again and again that the Southern Pacific system cost no more than \$15,000 a mile to build, yet it was bonded for from twice to three times that figure, and upon that sum it must pay 6 per cent interest. As one shrewd merchant put the case, 'the bonds represent three times its actual cost, and pay 6 per cent.' Two per cent interest even on their alleged value would not satisfy the foreign or American holders, yet 18 per cent on their true value is what the people of California have to pay. The Californians also have to pay the lion's share of cost of the maintenance of the roads upon a thousand miles of nonproductive and desert land.

"The extent of the monopoly which is maintained by the newest Big Four of California millionaires who own the Southern Pacific Company is greater than most persons outside the State imagine or would have believed possible. The so-called octopus which throws its iron suckers over the mountains and into all the richest valleys, is but one branch of the monopoly. The control it has upon the carrying business of the whole State is riveted to it by lines of steamships north, south, and east, and

in addition it picks up the small change that remains outside its bigger transactions by a monopoly of the street railroads, the ferries, and the suburban railroads in and around San Francisco, in the district of densest population, where one-third of the people of California reside."

Referring editorially to the report the paper says:

"They say they are in the power of a gigantic monopoly which owns the lines of road connecting them with the East or traversing the State, and most of the steamships plying to foreign countries. It is complained that every business man in the State is in the hands of this monopoly, and that business is limited or actually destroyed by the enormous freight charges imposed on local traffic for the purpose of making good the losses incurred on the through traffic. This monopoly enters into municipal as well as State affairs, and corrupts the politics of both. The terrible tyranny and the extortion of which California complains are set forth in minute detail so that this article is an instructive study of what can happen to the body politic through the greed of a corporation whose only concern is to pile up fortunes for its owners as rapidly as possible."

This company was not content to operate in California. How it organized and reached beyond that State is shown by the testimony of Creed Haymond, its general solicitor, before the Pacific Railway Commission of Congress in 1888. After speaking of building the railroads from California through Arizona and New Mexico under three different charters, he said:

"Thus we reached El Paso in Texas. Then we built a line down in Texas to Houston under the charter of the Texas road, gathering in the road already completed—the Galveston, Harrisburg and San Antonio road. We ran on and nearly reached the boundary line of Louisiana. We acquired by purchase the road built by Mr. Morgan, and the steamers running from New Orleans and terminal facilities at New Orleans. These roads made a through line from the city of New Orleans to the city of San Francisco, one part under the control of the Central Pacific, another part under the control of the California corporation, another part under control of Arizona and New Mexico corporations, and the other part under the control of various Texas and Louisiana corporations.

"Numerous difficulties grew out of the fact that the lines were in separate ownership. So we asked Congress to con-

solidate all these lines of road in one company. That was right in the midst of the anti-railroad excitement in California, and the Legislature of California, by a close vote in the Senate, passed a resolution asking Congress not to do that thing. Then we went into the State of Kentucky and got a special charter chartering the Southern Pacific Company—not the railroad company—with a very large capital stock. The different roads interested took that stock and became, in fact, that corporation. That corporation did not buy the roads, but it purchased all the stock.

"We had acquired all the stock in all that property clear through to New Orleans, except a few shares in one or two of the Texas companies, which amount to nothing, so that virtually the Southern Pacific Company now owns the line of road running from New Orleans through to San Francisco, with the exception of a gap in California.

"Senator Davis: Do the Texas corporations, the Southern Pacific corporations and the Morgan corporation still exist?

"Mr. Haymond: They still exist, but we are the owners of all the stock.

"Senator Davis: Who makes the guarantee of interest to the Central Pacific?

"Mr. Haymond: The Southern Pacific Company.

"Senator Davis: Which Southern?

"Mr. Haymond: The Southern Pacific of Kentucky—this great corporation which owns all these roads.

"Senator Dawes: It owns all of the roads until you get to the Morgan system?

"Mr. Haymond: And it owns the Morgan system also.

"Senator Dawes: The Southern Pacific Railroad Company of California leased to the Kentucky corporation?

"Mr. Haymond: Yes, sir; and made it virtually the owner. The same process was gone through with clear to New Orleans, so that the Southern Pacific not only owns the stock of these roads, and is, in fact, except perhaps as to the Louisiana corporation, the beneficial owner of the property. I am glad you ask these questions and bring the matter out so plainly.

"Senator Butler: As I understand you, the Kentucky company owns a majority of stock of all the lines of road?

"Mr. Haymond: Yes, sir; they own all the stock virtually.

"Senator Butler: They, then, are practically the owners of the property, are they?

"Mr. Haymond: That is true."

Pursuing this policy of purchasing the stock, the Southern Pacific Company

now owns, and through election of the directories, now operates the following roads: The Houston and Texas Central, the Galveston, Harrisburg and San Antonio, the Texas and New Orleans, the Austin and Northwestern, the Sabine and East Texas, the Aransas Pass, the New York, Texas and Mexican, the Louisiana Western Extension, and others. Not satisfied with owning the stock and directing the corporate affairs, this company, taking courage from successes elsewhere, now openly seeks to consolidate these lines. To this end, among other things, it has established an adroit and experienced lobby at the capital, which has proceeded with the work systematically and persistently, and with such effrontery, indelicacy and boldness as to excite more than marked comment by legislators and the public. Every intelligent and conscientious legislator will welcome reliable data and invite high-minded argument upon intricate and difficult legislation, but it is gratifying to know that the insinuating and importunate methods, the constant and indecorous attendance upon committees, the unseemly liberties and familiarity taken and assumed in the legislative chambers, the resort to every species of blandishment by which supposed personal obligations may be created, and the lavish and indiscriminate use of the pass, of this lobby, have justly provoked condemnation by a large number of the Legislature. The plan first adopted by this company was a general law authorizing consolidation in certain cases and under certain conditions. This plan has been abandoned and the purpose is now sought to be accomplished by several local or special laws of which that under consideration is one. It must therefore be judged as part of the general plan of the Southern Pacific Company to weld its interests in southeastern Texas into a carrying monopoly as dangerous as that which menaces the prosperity of California. In the East Line case, Chief Justice Stayton wisely said: "We further concur with the court below in the holding that railways, by reason of their relations with, control or management of other lines than their own, may become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect," and when it is recalled that the Southern Pacific system embraces practically all the roads of this immediate section there can be no question that the two roads named are rival and competing lines. Nor is this all. It is well known that the Southern Pacific Company is deeply interested in diverting exportations from

our coast to New Orleans, and every consolidation favors this hurtful disposition and enlarges the power to effect it. We have long enough been hewers of wood and drawers of water commercially. At the end of the long haul, our railroads mere feeders of foreign colossal systems, our local commerce taxed to meet deficiencies in foreign railway treasuries, our products and industries discriminated against, Texas will bless the day when her commerce shall turn to her coast, and sound policy demands that the postponement of that day by railway intrigue and manipulation should be opposed with all the power of the State.

C. A. CULBERSON.

Senator Smith moved that the joint committee, to whom was committed

Senate bill No. 29, being a bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas,"

Be requested to return same to the Senate.

Carried.

On motion of Senator Woods, regular order of business was suspended to take up

Senate bill No. 286, a bill entitled "An act to amend title 93, articles 4604, 4605, 4606 and 4607 of an act to prevent certain animals from running at large in counties and subdivisions, and defining lawful fences, and by adding to said act articles 4604a, 4607b, 4607c, 4607d, 4607e, 4607f, 4607g, and article 4611."

Bill read third time, and passed by the following vote:

Yeas—23.

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Woods.
Greer,	

Nays—none.

Absent, excused.

McComb, Stafford.

Absent, not excused.

Boren,	McKinney,
Goss,	Whitaker.
Lewis,	

Senator Woods moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Dean regular order of business was suspended to take up

Senate bill No. 254, a bill entitled "An act to authorize incorporated cities and towns to control ditches constructed by them for purpose of supplying the inhabitants thereof with water, and to punish interference therewith,"

Bill read second time and ordered engrossed.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Agnew,	Greer,
Atlee,	Harrison,
Bailey,	Lawhon,
Beall,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Woods.

Nays—1.

Smith.

Absent, excused.

McComb, Stafford.

Absent, not excused.

Boren,	McKinney,
Goss,	Whitaker.
Lewis,	

Bill read third time, and passed by the following vote:

Yeas—23.

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith.
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Woods.
Greer,	

Nays—none.

Absent, excused.

McComb, Stafford.

Absent, not excused.

Boren,	McKinney,
Goss,	Whitaker.
Lewis,	

#### EXECUTIVE MESSAGE.

Executive Office, State of Texas,  
Austin, April 12, 1895.

To the Senate:

The advice and consent of the Senate is respectfully asked to the appointment

of S. H. Woods, of Duval county, as district attorney of the Forty-ninth Judicial district, vice Santos M. Benavides, resigned.  
C. A. CULBERSON.

Senator Atlee moved that the Senate go into executive session at 12 m. today.  
Carried.

Senator Presler moved that regular order of business be suspended to take up

Senate bill No. 2, a bill entitled "An act providing for a discovery of the assets of a judgment debtor and the enforcement of such judgment."

Taken up by the following vote:

Yeas—16.

Agnew,	Lawhon,
Beall,	Presler,
Colquitt,	Rogers,
Darwin,	Sherrill,
Dean,	Steele,
Gage,	Tips,
Greer,	Whitaker,
Harrison,	Woods.

Nays—5.

Bailey,	Simpson,
Bowser,	Smith.
Shelburne,	

Absent, excused.

McComb, Stafford.

Absent, not excused.

Atlee,	Goss,
Boren,	Lewis,
Dibrell,	McKinney.
Dickson,	

Action being upon engrossment,  
By request of Senator Smith, the bill was considered by sections.

Section 1 read.

Section 2 read.

Section 3 read.

Section 4 read.

Section 5 read.

Section 6 read.

By Senator Presler:

Amend by striking out section 6 of the bill.

Lost.

Section 7 read.

Section 8 read.

Section 9 read.

Section 10 read.

Section 11 read.

Section 12 read.

Section 13 read.

Section 14 read.

Section 15 read.

By Senator Tips:

Amend section 6, page 3, by striking out all of said section after the word "judgment" in line 15.

Senator Shelburne made the point of order that the amendment was not in order, for the reason that an amendment

to strike out the section sought to be amended had been acted on.

Not sustained.

The amendment (Senator Tips') was adopted by the following vote:

Yeas—15.

Atlee.	Presler.
Colquitt,	Sherrill.
Darwin,	Simpson.
Dean,	Smith.
Dibrell,	Steele.
Gage,	Tips.
Greer,	Whitaker.
Harrison,	

Nays—7.

Bailey,	Rogers,
Bowser.	Shelburne,
Dickson,	Woods.
Lawhon,	

Absent, excused.

McComb, Stafford.

Absent, not excused.

Agnew,	Goss,
Beall,	Lewis,
Boren,	McKinney.

By Senator Simpson:

Amend by striking out all of line 1, section 1, of the bill.

Pending action,

The Chair announced that the hour fixed for executive session had arrived, and the Senate accordingly went into executive session.

#### AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Pilot commissioners at the mouth of the Brazos: P. F. Combs, W. M. Wolcott, J. T. Dingle, S. H. Hudgins, A. D. DuVal.

District attorney of the Forty-ninth judicial district: S. H. Woods of Duval county, vice Santos M. Benavides, resigned.

(Senator Shelburne in the chair.)

Resuming consideration of Senate bill No. 2 (see caption above), after much discussion, Senator Colquitt moved the previous question on the pending amendment and the bill, which was duly seconded, and prevailed.

The amendment was then adopted by the following vote:

Yeas—18.

Atlee,	Goss,
Bailey,	Greer,
Beall,	Harrison,
Bowser,	Rogers,
Colquitt,	Shelburne,
Dean,	Sherrill,
Dibrell,	Simpson,
Dickson,	Smith,
Gage,	Woods.

Nays—5.

Agnew,	Steele,
Darwin,	Tips.
Presler,	

Absent, excused.

McComb, Stafford.

Absent, not excused.

Boren.	McKinney,
Lawhon,	Whitaker.
Lewis.	

Senator Simpson moved to reconsider the vote by which his amendment was adopted striking out the enacting clause of the bill, and to lay that motion on the table.

Tabled.

On motion of Senator Dickson, Senate adjourned till 3 o'clock p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called, quorum present, the following Senators answering to their names:

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Whitaker,
Goss,	Woods.
Greer,	

Absent, excused.

McComb, Stafford.

Absent, not excused.

Boren,	McKinney.
Lewis,	

On motion of Senator Woods, Senator McKinney was excused from non-attendance till Monday on account of sickness in his family.

On motion of Senator Dickson, Senator Boren was excused indefinitely, on account of sickness in his family.

On motion of Senator Steele, regular order of business was suspended to take up

Senate bill No. 131, being a bill to be entitled "An act to amend section 12 of chapter 122 of the General Laws of the State of Texas, being 'An act to provide a more efficient system of public free schools for the State of Texas,' etc., approved May 20, 1893."

Bill read third time.



By Senator Dickson:  
Amend by striking out the enacting clause.

Senator Rogers moved to table the amendment.

Tabled by the following vote:

Yeas—15.

Agnew,	Lawhon,
Atlee,	Rogers,
Beall,	Sherrill,
Bowser,	Steele,
Colquitt,	Tips,
Dibrell,	Whitaker,
Greer,	Woods.
Harrison,	

Nays—8.

Darwin.	Goss,
Dean.	Shelburne,
Dickson,	Simpson,
Gage,	Smith.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Bailey,	Presler.
Lewis,	

The bill failed on final passage by the following vote:

Yeas—10.

Bowser,	Lawhon,
Colquitt,	Rogers,
Dean,	Steele,
Dibrell,	Tips,
Greer,	Woods.

Nays—13.

Agnew,	Harrison,
Atlee,	Shelburne,
Beall,	Sherrill,
Darwin,	Simpson,
Dickson,	Smith,
Gage,	Whitaker.
Goss,	

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Bailey,	Presler.
Lewis,	

Senator Smith moved to reconsider the vote by which the bill was defeated, and to lay that motion on the table.

Lost by the following vote:

Yeas—11.

Atlee,	Harrison,
Beall,	Shelburne,
Darwin,	Simpson,
Dickson,	Smith.
Gage,	Whitaker.
Goss,	

Nays—12.

Agnew,	Lawhon,
Bowser,	Rogers,
Colquitt,	Sherrill,
Dean,	Steele,
Dibrell,	Tips,
Greer,	Woods.

Absent, excused.

Boren.	McKinney,
McComb,	Stafford.

Absent, not excused.

Bailey,	Presler.
Lewis,	

Senator Bowser called up

Senate bill No. 15, "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

With House amendments thereto, and moved that the Senate concur in same.

Concurred.

On motion of Senator Simpson, regular order of business was suspended to take up

Senate bill No. 190, a bill to be entitled "An act to establish a naval battalion, to be attached to the volunteer guard of Texas, provided for in subdivision 1 of article 3242, chapter 1, title 64, Revised Civil Statutes of Texas."

Bill read second time.

By Senator Simpson:

Amend bill by striking out section 4 and inserting the following in lieu thereof:

"Section 4. The commander-in-chief is authorized to establish and prescribe such rules and regulations, not inconsistent with the laws of the United States and of this State, as he may deem proper and necessary for the organization, discipline, and instruction of the naval battalion of this State; but the same shall conform as near as may be practical with that governing the United States navy. The Governor shall have power to alter, divide, annex, consolidate, disband the same, or discharge any portion thereof for good and sufficient cause, and shall have full control and authority over all matters touching the naval militia consistent with the Revised Civil Statutes relating to the volunteer guard of this State, and said statutes shall govern and shall be in force as far as same is applicable."

Adopted.

By Senator Dean:

Amend by adding "Provided, that the Governor be and he is hereby authorized to appoint a commodore-in-chief for said naval battalion and all other officers necessary."

Lost by the following vote:

Yeas—10.

Agnew,	Rogers.
Colquitt,	Sherrill,
Darwin,	Steele,
Dean,	Tips.
Harrison,	Woods.

Nays—13.

Atlee,	Greer,
Bailey,	Lawhon,
Beall,	Shelburne,
Bowser,	Simpson.
Dibrell,	Smith.
Gage,	Whitaker.
Goss,	

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Dickson,	Presler.
Lewis,	

The bill was ordered engrossed by the following vote:

Yeas—14.

Atlee,	Gage,
Bailey,	Greer,
Beall,	Lawhon,
Bowser,	Shelburne,
Dean,	Sherrill,
Dibrell,	Simpson,
Dickson,	Whitaker.

Nays—10.

Agnew,	Rogers,
Colquitt,	Smith,
Darwin,	Steele,
Goss,	Tips,
Harrison,	Woods.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Lewis,	Presler.
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On motion of Senator Greer, Committee Clerk Dodson was excused for today and until Monday, on account of sickness in his family.

By consent the following was sent up:

By Senator Beall:

Protest of citizens of Ellis county against the passage of the "building and loan association bill."

Read and referred to Committee on Commerce and Manufactures.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 254, being "An act to authorize incorporated cities and towns

to control ditches constructed by them for purpose of supplying the inhabitants thereof with water, and to punish interference therewith."

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 292, a bill to be entitled "An act to authorize cities of 10,000 inhabitants or less to abolish their charters, prescribing the mode thereof, and providing for the disposition of corporate property and for the assessment and collection of taxes to pay existing indebtedness,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWSER, Chairman.

Committee Room,

Austin, Texas, April 12, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 29, being a bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments, to-wit:

#### COMMITTEE AMENDMENTS.

1. Amend by striking out all of the bill preceding the caption and page 1, and by striking out all after section 23, page 942, of said bill.

1a. In subdivision 2 of article 7, strike out "s" in word "records," in line 2.

2. In article 11, after the word "money," in next to the last line, insert "may have been."

3. In article 14, strike out the letter "s" at the end of the word "reasons" in line 2.

4. In article 18, subdivision 80, strike out the word "Wood" and insert the word "Hood" in lieu thereof.

5. Article 22, subdivision 5, line 8, amend by striking out the word "in" between the words "session" and "five."

6. Article 22, subdivision 25, page 22, line 2, amend by striking out the word "four" between the words "session" and "weeks," and insert the word "six" in lieu thereof.

7. In article 62, page 38, insert the word "shall" after the word "archiving," in line 1 of said page 38.

8. In article 99, insert the word "the" before the word "State," in line 2 of said article 99.

9. Amend article 160 by striking out the clause beginning in the second line and ending in the third line, which reads as follows, "and deaf and dumb and blind asylum for colored youths."

10. In article 238, strike out the word "and," between the words "on" and "after," in line 5, and insert the word "or" in lieu thereof.

11. In article 240 strike out the word "for" between the words "liable" and "execution," line 3, and insert the word "to."

12. Article 281, strike out the word "the" between the words "for" and "respective," in line 3, and insert the word "their" in lieu thereof.

13. Amend article 301 by striking out all after the word "crossing," in the third line, and insert in lieu thereof, "as prescribed in article 4435 of these statutes; and it shall be the duty of the county attorney, upon the making of an affidavit of the facts by any person, to at once institute against the company violating the provisions of said article 4435 suit in the proper court to recover such penalty or penalties, and his willful failure or refusal to do so shall be sufficient cause for his removal from office, unless it is evident that such suit could not have been maintained. The proceedings under said article shall be conducted in the same manner as civil suits; and the county attorney attending to such suits shall be entitled to a fee in each case of ten dollars, to be taxed as a part of the costs of the case; provided, that when two or more penalties are sought to be recovered in one and the same suit, but one such fee shall be allowed; and provided further, if the county be cast in the suit, no costs shall be charged against the county."

14. Amend article 321 by adding thereto "provided this article shall not affect such corporations as are embraced in article 4496 of these statutes."

15. Article 369, strike out the word "of" between the words "or" and "the," line 5, and insert the word "in."

16. In article 674, line 2, change the word "device" to read "devise."

17. Amend article 765 by striking out the word "portion" in line 4 and inserting in lieu thereof the word "proportion."

18. Amend article 803 by striking out the word "securities" in line 4 and inserting the word "sureties."

19. Amend article 836 by striking out

the word "licenses" in line 2 and inserting the word "licensee" in lieu thereof.

20. Amend article 857, line 6, by striking out the figures "4438," and inserting "4435" in lieu thereof.

21. Amend article 999, line 3, by striking out the word "and" and inserting the word "or" in lieu thereof.

22. Amend article 1003 by inserting in line 3, after the word "of," the word "civil."

23. Amend article 1028, in last line, by striking out the word "section" and inserting in lieu thereof the word "article."

24. Strike out article 1102.

25. Strike out article 1130, and insert in lieu thereof the following: "Article 1130. When the judge of the county court is disqualified in any case pending in the county court, the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law."

26. Amend article 1274 by striking the words "in this court" out of the last two lines of said article.

27. Amend article 1478, line 15, by striking out the word "defendant" after the word "the" in said line, and insert in lieu thereof the word "plaintiff."

28. Amend article 1531 by striking out the words "the Supreme Court or Court," and insert in lieu thereof the words "Court of Criminal."

29. Amend article 1691, line 2, strike out the word "estate," and insert in lieu thereof the word "intestate."

30. Amend chapter 2, title 36, by omitting article 1721.

31. Amend article 2928 by striking out the word "act" from fourth line, and inserting "chapter" in lieu thereof.

32. Amend the marginal reference to article 2496 by striking out "act of 1889, p. 45," and inserting in lieu thereof, "act of 1884, p. 37."

33. Amend article 2912 by striking out both provisos, beginning with the word "provided," at end of fourth line, and ending with the word "annum" in sixth line.

34. Amend article 2925 by adding at the end thereof the following: "which clerks shall receive such compensation as he may deem proper, not to exceed nine hundred dollars each per year."

35. Amend chapter 6, title 52, by adding next after article 2928, another article (2928a) to read as follows:

"Article 2928a. It shall be unlawful for the Commissioner of Agriculture, Insurance, Statistics and History, or any person employed by him or connected

with his office, to purchase all or any part of any mine or mineral lands, or be in any manner interested in such purchase, during the term of his office or employment. Any person violating the provisions of this act shall be punished by fine as provided in the Penal Code."

Amend title 52 by adding chapter 8 thereto, as follows:

#### CHAPTER EIGHT.

"Article 2938a. There shall be elected, at each general election for State and county officers, a State Superintendent of Public Instruction, who shall hold his office for a term of two years, and until his successor is elected and qualified, and shall receive an annual salary of \$2500, and may employ as many clerks as may be necessary to perform the duties of his office, the number to be determined by the State Board of Education; provided, that no greater number shall be employed than the Legislature has appropriated salaries for. The Superintendent shall take the oath of office prescribed by the Constitution, and shall perform such duties as may be prescribed by law. Appeals shall always lie from the rulings of the State Superintendent to the State Board of Education.

"Article 2938b. The Superintendent of Public Instruction shall be charged with the administration of the school law and a general superintendency of the business relating to the public schools of the State. He shall hear and determine all appeals from the rulings and decisions of subordinate school officers, and all such officers and teachers shall conform to his decisions, unless they are reversed by the State Board of Education. He shall prescribe suitable forms for reports required of subordinate school officers and teachers, and blanks for their guidance in transacting their official business and conducting public schools, and shall, from time to time, prepare and transmit to them such instructions as he may deem necessary for the faithful and efficient execution of the school laws, and by whatsoever is so communicated to them shall they be bound to govern themselves in the discharge of their official duties. He shall examine and approve all accounts of whatsoever kind against the school fund that are to be paid by the State Treasurer, and upon such approval the Comptroller shall be authorized to draw his warrant.

"Article 2938c. The State Superintendent shall file all reports, documents and papers transmitted to him and the State Board of Education by county or city school officers, and from all other

sources, pertaining to public schools, and keep a complete index of the same.

"Article 2938d. The State Superintendent shall advise and counsel with the school officers of the counties, cities and towns and school districts as to the best methods of conducting the public schools, and shall be empowered to issue instructions and regulations, binding for observance on all officers and teachers, in all cases wherein the provisions of the school law may require interpretation in order to carry out the designs expressed therein; also in cases that may arise in which the law has made no provision, and where necessity requires some rule in order that there may be no hardships to individuals, and no delays or inconvenience in the management of school affairs.

"Article 2938e. He shall cause to be printed for general distribution such number of copies of the school laws as may at any time be necessary, to be determined by the State Board of Education."

37. Amend chapter 4, title 52, by omitting article 2870.

38. (1) Amend article 2959 by striking out of the first line the word "European" and inserting "Caucasian" in lieu thereof.

39. (2) Amend article 2960 by striking out of the second line the date "1847" and inserting "1837" in lieu thereof.

40. (3) Amend article 3015 by striking out of the last line the words "or penal," as contained in the law itself. Acts of 1888, chapter 10, page 8.

41. (4) Amend article 3066 by striking out of the last line the last word but one, to-wit, "the," and inserting "this" in lieu thereof.

42. (5) Amend article 3271 by striking out of the first line the word "Twenty-fourth," and inserting "Twenty-fifth" in lieu thereof; also change "1895" in second line to "1897."

43. (6) Amend chapter 4, title 66, by striking out articles 3329, 3330, and 3332, and inserting in lieu thereof the following three articles:

"Article 3329. Upon receipt of such instruments the clerk shall endorse thereon the day and hour when the same was deposited in his office for record, and shall keep the same on file in his office for the inspection of all parties interested until satisfaction thereof shall be entered, as provided in article 3332; provided, that if a copy be presented to the clerk for filing, instead of the original instrument, he shall carefully compare such copy with the original, and the same shall not be filed unless it is a true copy thereof, and a copy can be filed only when the original has been

witnessed by two subscribing witnesses or acknowledged or proven for record and certified as required in case of other instrument for the purpose of being recorded.

"Article 3330. A certified copy of any such instrument so filed as aforesaid, certified to under the hand and seal of the clerk of the county court in whose office the same shall have been filed, shall be admitted in evidence in like manner as the original might be, unless the execution of the original has been denied under oath by the party sought to be charged thereby; provided, that the party desiring to use such instrument shall file the same in the papers of the cause before announcing ready for trial, and not afterwards; and such certified copy shall in all cases be received as evidence of filing and entry thereof in chattel mortgage record according to the endorsement of the clerk thereon.

"Article 3332. When the debt secured by any such instrument shall have been paid or satisfied, it shall be the duty of the mortgagee, his assignee, attorney or legal representative to enter or cause to be entered and attested by the clerk, as aforesaid, satisfaction thereof, in the record book in which the instrument is entered, which may be done under the head of "Remarks," and any instrument acknowledging payment or satisfaction need not be recorded at length, but the entry as above provided showing the same has been paid shall be sufficient, and the original instrument or copy thereof on file shall then be delivered to the mortgagor or maker upon demand, or the clerk may mail the same to him."

44. Amend article 3518 by inserting the word "Agriculture" next before the word "Insurance," in the third line; and also by inserting the word "Criminal" next before the word "Appeals," in the fourth line; and also by inserting next after said word "Appeals," the words "Courts of Civil Appeals."

45. (7) Amend article 3519 by adding next after the word "of," near the end of the first line, the word "Criminal;" also by adding at the beginning of the second line, next before the words "district courts," the words "Courts of Civil Appeals."

46. (8) Amend article 3551 by striking out of the first line the words "Supreme Court," and inserting "Court of Civil Appeals" in lieu thereof.

47. (9) Amend article 3552 by striking out from the end of the last line the words "Supreme Court," and inserting "Courts of Civil Appeals" in lieu thereof.

48. (10) Amend article 3557 by striking out all of lines 2 and 3, and inserting

in lieu thereof the following: "error be made returnable to the Court of Civil Appeals, and such cause."

49. (11) Amend article 3563 by having it read as follows:

"Article 3563. (3442) The clerks of the Court of Criminal Appeals and the Courts of Civil Appeals shall be subject to removal by their respective courts for good cause entered on the minutes of the court."

50. (12) Amend article 3741 by striking out of the fourteenth line the words "twenty-five," and inserting in lieu thereof the word "fifty." Also by striking out the word "two" at the end of the 16th line, and inserting "one" in lieu thereof. Also change the word "years" at the beginning of the 17th line to "year."

51. Amend title 85 by striking out articles 3833 and 3834.

52. Amend the bill by adding next after title LXXXV, another title, as follows:

#### TITLE LXXXVa—PUBLIC DEBT.

"Article 3835a (3677). All outstanding bonds or other obligations, issued under the provisions of either of the following acts of the Legislature, are hereby recognized as valid and binding obligations upon the State, and the principal and interest thereof shall be paid in accordance with the terms of the laws under which they were respectively:

"1. An act entitled 'An act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier,' approved August 5, 1870.

"2. An act entitled 'An act to provide money to pay the floating indebtedness of the State,' approved March 4, 1874; an act supplementary and amendatory thereof, entitled 'An act to further provide for the sale of bonds to pay the public debt,' approved April 13, 1874; and an act supplemental to the last named act, entitled 'An act supplemental to an act to further provide for the sale of bonds to pay the public debt,' approved April 13, 1874, approved April 27, 1874.

"3. An act entitled 'An act to provide for the payment of the bonds of the State of Texas that will become due and that are retirable in the years 1876 and 1877, and to make adequate provision for the floating indebtedness of the State, and to make an appropriation carry into effect the provisions of the same,' approved July 6, 1876.

"4. 'An act to provide for the issuance and sale of bonds for the purpose of re-

tiring the outstanding bonds of the State, and to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds,' approved April 21, 1879.

"5. 'An act to provide for the payment of the bonds of the State issued under an act of the Legislature,' approved August 5, 1870, which was approved April 5, 1889.

"6. 'An act to provide for the retirement of the past due bonds of the State of Texas, for the payment of interest thereon, and the issuance of other bonds at a lower rate of interest in lieu thereof,' approved May 2, 1893.

"Article 3835b (3678). All the provisions of the several acts mentioned in the preceding article, in so far as the same may affect the public credit, the rights of the public creditors thereunder, the payment of the principal and interest due or hereafter accruing on any bonds or obligations issued thereunder, or the creation and disposition of any sinking fund provided for therein, shall remain in full force and effect as laws of this State until the principal and interest of all bonds or obligations issued or accrued under such act are fully paid off and discharged."

53. Amend chapter 7, title 36, by striking out articles 3912, 3913, 3914, 3915 and 3916.

54. Amend article 3999 by inserting "3994" after the word "article" in the second line.

55. Amend article 4013 by having marginal reference read, "acts of 1889," instead of 1879.

56. Amend article 4017 by striking out of the first line the word "article," and insert in lieu thereof, "articles 4013 to 4016 inclusive."

57. Amend article 4022 by inserting after the word "town" in the second line, "unless it has vested the exclusive management and control of its public free schools in a board of trustees."

58. Amend article 3955, by striking out the first word "the" and inserting "three" in lieu thereof.

59. Amend article 4039 by striking "and" out of third line, and inserting "of" in lieu thereof.

60. Amend article 4062 by striking out the word "on" in third line, and inserting "or" in lieu thereof.

61. Amend chapter 3, title 87, by adding at the end of said chapter articles 4067a and 4067b, as follows:

"Article 4067a. Each county in this State that is unorganized, or that has not so completed its organization as to become a separate land district under the requirements of the law, shall be attached to some organized county for

surveying purposes, and the county surveyor of such organized county shall be the surveyor for the land district thus constituted. and the records of all files and surveys of land in such district shall be kept at his office.

"Article 4067b. The land districts composed of more than one county are defined and the unorganized counties are attached for surveying purposes as follows:

"(1) The counties of Armstrong, Carson and Randall are attached to Donley county. [Act of July 13, 1883.]

"(2) The counties of Andrews and Gaines are attached to Martin county. [Act of April 1, 1887.]

"(3) The counties of Bailey, Cochran and Hockley are attached to Crosby county. [Act of April 1, 1887.]

"(4) The counties of Borden, Dawson, Lynn, Yoakum, Terry and Glasscock are attached to Howard county. [Act of July 13, 1883; act of March 21, 1889.]

"(5) The counties of Greer, Collingsworth, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are attached to Wheeler county. [Act of July 13, 1883.]

"(6) The counties of Crane, Ector and Upton are attached to Midland county. [Act of March 21, 1889.]

"(7) The county of Lamb is attached to Baylor county. [Act of March 11, 1881.]

"(8) The county of La Salle is attached to Nueces county. [Act of March 2, 1874.]

"(9) The counties of Loving, Ward, and Winkler are attached to Reeves county. [Act of February 26, 1877.]

"(10) The county of Stonewall is attached to Young county. [Act of August 21, 1876.]

"(11) The county of Schleicher is attached to Menard county. [Act of April 1, 1887.]

"(12) The counties of Crockett and Edwards are attached to Bexar county. [Article 3833, Revised Statutes 1879.]

"(13) The counties of Dallam, Moore, Parmer, Potter, and Sherman are attached to Oldham county. [Act of July 13, 1883.]

"(14) The county of Encinal is attached to Webb county. [Act of March 24, 1885.]

"(15) The counties of Foley and Buchel are attached to Brewster county. [Act of March 27, 1889.]

"(16) The counties of Garza and Kent are attached to Scurry county. [Act of April 1, 1887.]

"(17) The counties of Irion and Sterling are attached to Tom Green county.

"(18) The county of Jeff Davis is attached to Presidio county.

"(19) The county of King is attached to Knox county. [Act of April 1, 1887.]

62. Amend article 4092 by adding after the word "words" as follows: "and the State shall be entitled to ten cents per hundred words."

63. Amend chapter 5 of title 87 by striking out therefrom articles 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117 and 4128, and inserting in lieu thereof article 4106 as follows:

"Article 4106. All laws and parts of laws granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals, and ditches, are repealed."

64. Amend chapter 7 of title 87 by omitting article 4143 and article 4157.

65. Amend chapter 8, title 87, by omitting article 4164.

66. Amend article 4195 by striking out from the first line the words "six months," and inserting in lieu thereof "sixty days."

67. Amend chapter 9, title 87, by omitting article 4188.

68. Amend chapter 10, title 87, by omitting articles 4197 and 4198, and substituting in lieu thereof the following as and for said articles:

"Article 4198. All reservations of the public domain for the benefit of any railroad or railroad company heretofore made by law and the right to which reservation has lapsed since January 1, 1872, or may hereafter lapse, are hereby declared then to have been severed from the mass of the public domain; and in the event of forfeiture to the State are expressly reserved from location, except by actual settlers under chapter 8, title 87, Revised Civil Statutes."

69. Amend article 4201 by striking out of line 9 the words "under the provisions of this title," and inserting in lieu thereof the words "under the homestead donation law."

70. Amend chapter 12, title 87, by omitting articles 4209, 4210, 4212, 4213 and 4214.

71. Amend article 4215 by striking out of the first line the words "after compilation of said abstract."

72. Amend article 4217 by striking out the word "abstract" from the second line, and inserting "supplementary abstracts" in lieu thereof.

73. Amend title 88 by inserting next after article 4223 another article (4223a) as follows:

"Article 4223a (3993). No contract with the public printer shall be made for the publication of executive proclamations, advertisements, and other like

documents; but the maximum price for such work shall be one dollar per square of one hundred words for the first publication, and fifty cents per square for each subsequent publication that may be ordered, and fractional parts of a square at proportionate rates, and each square shall contain not less than one hundred words."

74. Amend article 4225 by striking out from the beginning of line 13 the figures "\$2.70." and inserting in lieu thereof "\$7.20."

75. Amend article 4232 by striking out "3994" in the fourth line, and inserting in lieu thereof "4223."

76. Also, strike out "3997," occurring twice in said article, and insert in lieu thereof, each time, "4225."

77. Amend chapter 2, title 89, by striking out article 4273.

78. Amend article 4291 by striking out of the twenty-first line the word "that," and inserting in lieu thereof the word "the."

79. Amend chapter 3, title 89, by omitting article 4305.

80. Amend article 4306 by inserting after the words "terms of," in the second line, the words "not exceeding."

81. Amend title 90 by striking out article 4313.

82. Amend article 4318 by striking out of the fourth line the words "the preceding," and inserting in lieu thereof "subdivision 7 of the succeeding."

83. Amend by striking out articles 4455 and 4456, and inserting in lieu of both articles article 4455, as follows:

"Article 4455 (4190). When the property in controversy belongs to a non-resident of this State, or to an unknown person, or to a person whose residence is unknown, or who secretes himself so that the process of law can not be served upon him, such notice may be served upon such owner by publication in the same manner as is provided for service of citation in article 1235 of the Revised Civil Statutes."

84. Amend chapter 9, title 94, by striking out article 4480, and inserting in lieu thereof article 4480, as follows:

"Article 4480 (4213, 4277). All lands acquired by railroad companies under the provisions of this chapter or any general laws, shall be alienated by said companies, one-half in six years and one-half in twelve years from the issuance of patents to the same, and all lands so acquired by railroad companies, and not alienated as herein required, shall be forfeited to the State and become a part of the public domain and liable to location and survey as other unappropriated lands. All lands purchased by or donated to a railroad corporation, except such as

are used for depot purposes, reservations for the establishment of machine shops, turn outs and switches, shall be alienated and disposed of by said company in the same manner and time as is required where lands have been received from the State."

85. Amend said chapter 9 by omitting article 4435.

86. Amend article 4491 by inserting after the word "establishing" in the third line, the words "and maintaining."

87. Amend chapter 10 by omitting article 4495.

88. Amend chapter 10, title 94, by adding thereto, next after article 4502, two additional articles, 4502a and 4502b, as follows:

"Article 4502a. All railroad companies operating any railroad, or any part thereof, within the limits of this State, are required to provide cars with double decks for the shipment of sheep, goats, hogs and calves; that the said cars must be in every way as large as those now in use upon the respective railroads of this State; that the distance between the floor and the second deck shall be the same as the distance between said second deck and the roof; the floor of said second deck shall be so constructed as to protect the animals beneath; and said cars must be furnished by the railroad company to any person who shall offer to ship at one time hogs, sheep, goats, or calves, in carload lots. [Acts 1887, page 57.]

"Article 4502b. It shall not be lawful for any railroad company to charge more for shipping a double-decked carload of sheep, goats, hogs, or calves than is charged for shipping a carload of other cattle or horses the same distance, and in the same direction, and any railroad company that shall fail or refuse to furnish double-decked cars of the dimensions prescribed in the preceding article, to any person who may wish to ship as much as a double-decked carload of sheep, hogs, goats, or calves, or shall charge more for shipping a double-decked carload of sheep, hogs, goats, or calves, than for shipping a carload of other cattle or horses for the same distance and in the same direction, shall be liable to pay to the owner or shipper of said sheep, hogs, goats, or calves, the sum of five hundred dollars as liquidated damages, to be recovered in any court of competent jurisdiction; provided, that if any railroad companies shall transport sheep, hogs, goats, and calves on single-decked cars at one-half the price per carload charged for shipping horses or other cattle, then the penalties prescribed in this article for

failure to provide double-decked cars shall be inoperative."

89. Amend article 4521 by striking it out and inserting in lieu thereof article 4521, as follows:

"Article 4521 (4238). Every railroad company doing business in this State shall keep its depots or passenger houses in this State, lighted and warmed, and open to the ingress and egress of all passengers who are entitled to go therein, for a time not less than one hour before the arrival and after the departure of all trains carrying passengers on such railroad, and every such railroad company for each failure or refusal to comply with the provisions of this act, shall forfeit and pay to the State of Texas, the sum of fifty dollars, which may be sued for and recovered in the name of the State in any court of competent jurisdiction, and shall be liable to the party injured for all damages by reason of such failure." [Acts 1891, p. 29.]

90. Amend article 4542 by striking out all of said article occurring after the words "three cents per mile" in line 9, from the top of page 779; the parts struck out beginning with the words "and railroads," etc., and ending with the article.

91. Amend article 4529 by substituting the word "officer" for "office" in line 7.

92. Amend article 4547 by striking out "p. 29" from the marginal reference and inserting in lieu thereof "p. 72."

93. Amend by adding article 4785a to chapter 6, title XCVII, as follows:

"Article 4785a. The counties of Grayson, Travis, Houston, Dallas, Limestone, Fayette, Galveston, Cherokee, Gonzales, Woods, Raines, Harrison, Shelby, San Augustine, Sabine, Newton, Jasper, Tyler, Morris, Marion, Victoria, Goliad, Refugio, Aransas, Calhoun, Jackson, DeWitt, Hopkins, Comal, Upshur, Blanco, Camp, Gillespie, Lavaca, Parker, Panola, Milam, Lamar, Hill, Smith, Gregg, McLennan, Harris, Washington, Titus, Cass, Franklin, Delta, Angelina, Nacogdoches, Bowie, Montgomery, Walker, Trinity, Red River, Henderson, Van Zandt, Tarrant and Jack counties are exempted from the provisions of this chapter; provided, that the county commissioners courts of Dallas and Collin counties may accept and adopt the provisions of this act in lieu of the special acts for Dallas, Collin, Grayson and other counties, if in their judgment its provisions are better suited to Dallas and Collin county than the said special laws." [Chapter 97, Twenty-second Legislature.]

94. Amend title XCVIII, chapter 1,



by striking out article 4825, and inserting in lieu thereof the following:

"Article 4825. The superintendent of the orphan asylum shall receive such salary each year as may be provided by the board of managers. In no case shall such salary be fixed at an amount exceeding one thousand dollars per annum."

95. Amend article 4851 by having the marginal reference read as follows: "Acts of 1887, page 25."

96. Amend title 100 by omitting article 4889.

97. Amend article 4904 by adding at the end thereof the following: "The adjutant general shall prescribe, have printed, and forward to the sheriff of the several counties the necessary blanks upon which are to be made the lists herein required."

98. Strike out in article 4931, line 3, the word "this," and insert in lieu thereof the word "his."

99. Amend articles 4942, 4944 by striking out of each article the number "4562" and inserting in lieu thereof "4940."

100. Strike out article 4953 and insert in lieu thereof the following:

"Article 4953. The provisions of the five preceding articles shall in no wise apply to the following counties: Anderson, Bell, Gonzales, Coryell, Hamilton, Mills, Brown, Comanche, Lavaca, Llano, San Saba, Concho, Runnels, Coleman, Travis, Grayson, Cooke, Montague, Colorado, Bexar, Jasper, Newton, Orange, Jefferson, Polk, San Jacinto, Tyler, Chambers, Hardin, Liberty, Harrison, Smith, Upshur, Gregg, Wood, Rains, Bowie, Cass, Morris, Titus, Lee, Bastrop, Fayette, Hill, Johnston, Ellis, McLennan, Falls, Robertson, Milam, Brazos, Galveston, Brazoria, Matagorda, San Patricio, Guadalupe, Caldwell, Hayes, Blanco, Comal, Tarrant, Wise, Parker, Jack, Dallas, Nacogdoches, San Augustine, Sabine, Shelby, Panola, Rusk, Hunt, Hopkins, Delta, Franklin, Camp, Angelina, Houston, Leon, Grimes, Madison, Kaufman, Rockwall, Fannin, Lamar, Red River, Van Zandt, Henderson, Cherokee, Bosque, Hood, Erath, Somervell, Collin, Denton, Trinity, Walker, Montgomery, Harris, Austin, Washington, Wharton, Fort Bend, Waller, Burleson, Limestone, Freestone, Navarro, Young, Karnes, Mason, Medina, Kimble, Kerr, Kendall, Bandera, Sutton, Gillespie, Williamson, Lampasas, Burnet, El Paso, Presidio, Brewster, Midland, Reeves, Marion."

101. Strike out article 5001, and insert in lieu thereof the following:

"Article 5001. The counties of Cooke, Refugio, Aransas, San Patricio, and

Bee are exempted from the provisions of this chapter."

101a. Amend chapter 6, title 102, by striking out all of article 5023, inserting in lieu thereof the following nine articles:

"Article 5023 (4631). Any person or persons driving cattle in his or their own mark and brand shall be entitled to the certificate of inspection provided for in the preceding article, on payment of fees to the inspector, and on presentation to the inspector of the certificate of the clerk of the county court of the county where such mark and brand is recorded, to the effect that the mark and brand named therein is duly recorded in his office as the mark and brand of the person so driving such cattle.

"Article 5023a (4632). Any person or persons who shall drive any cattle to market beyond the limits of this State shall, before removing such cattle from the county where the same are gathered, place upon each and every animal so to be driven, a large and plain road brand, composed of any device he may choose, which brand shall be branded on the left side of the back behind the shoulder; and every person or person using or causing to be used any road brand shall place the same on record as in the case of other brands, in the county from which the animals are to be driven, and before their removal from such county.

"Article 5023b (4633). Any person intending to drive or ship any animals to the Republic of Mexico, may ship the same from any point on the coast of Texas, or may drive or ship them across the Rio Grande river at any point where a custom house of the United States is located, and shall not drive or ship such animals across the Rio Grande at any other point or points, and he shall cause all such animals to be inspected by the inspector of the district in which the point of shipment or place at which they are to be driven across said river is situated; such inspection shall be made before shipment from the State or passage across said river of said animals.

"Article 5023c (4634). Whenever a drove of cattle may be passing through any county it shall be the duty of the inspector, if called upon to do so by any person, to stop and inspect said drove without any unnecessary detention of the same; and he shall exercise the same powers and perform the same duties in the inspection of said cattle as are prescribed in articles 5013, 5017 and 5018.

"Article 5023d (4635). If any cattle be found in said drove not included in the certificate of the inspector of the county in which the drove may have been gathered, the fees of the inspector

shall be paid out of the proceeds of the sale of said cattle, but if no cattle shall be found in said drove except those covered by the inspector's certificate, then the inspector's fees shall be paid by the person at whose instance and request said drove was inspected.

"Article 5023e (4636). The hides of all cattle imported into this State from Mexico shall be inspected by the inspector of hides and animals of any county or district into which the same may be introduced or imported; and should the importer of said hides fail or refuse to pay the inspection fees as required by law, the inspector is hereby authorized to retain possession of said hides and sell a sufficient number thereof, after public notice of three days, to the highest and best bidder, to pay said inspection fees and all necessary expenses in connection therewith.

"Article 5023f (4639). Horses and mules imported from Mexico into this State shall be inspected in accordance with the provisions of the preceding article, and with like authority to retain and sell as therein provided for a failure to pay the inspection fees.

"Article 5023g (4638). Should an inspector of hides and animals find among hides imported from Mexico any hides which, from the brand or from other evidence, he has reason to believe have been stolen from the lawful owner, it shall be his duty to separate said hides from the others undergoing inspection, and to notify any person he believes to be interested therein to come forward and institute suit for the recovery of the same.

"Article 5023h (4639). Should no person appear to claim said hides the inspector shall, within twenty-four hours, make oath before the county judge of the county or before a justice of the peace of the county, that he has reason to believe that said hides have been stolen, whereupon said county judge or justice of the peace shall issue a citation, directing the importer or party claiming the same to appear before him at his office within a time specified, not to exceed twenty-four hours, to show cause why said hides should not be condemned."

102. Amend article 5036 by striking out "4635" from line 11, and inserting "5023d" in lieu thereof.

103. Strike out all of article 5043, and insert in lieu thereof the following:

"Article 5043. The provisions of this chapter shall not apply to the following counties, viz.: Anderson, Austin, Angelina, Bell, Bowie, Brazos, Bastrop, Bosque, Burleson, Brazoria, Caldwell,

Camp, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Erath, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Fort Bend, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Hays, Henderson, Hill, Hood, Hunt, Hopkins, Houston, Jackson, DeWitt, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Lampasas, McLennan, Madison, Marion, Montgomery, Montague, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, Wise, Wood, Jack, Harris, Chambers, Clay, Young, Wheeler, Lavaca, Nueces, Bee, Refugio, Limestone, San Patricio, Somervell, Matagorda, Waller, Karnes, Victoria, Milam, Live Oak, Williamson, Liberty, Wilbarger, Archer, Hardeman, Childress, Hall, Collingsworth, Donley, Gray, Armstrong, Briscoe, Floyd, Randall, Kendall, Comal, Travis, Navarro, Brown, Coryell, Mills, Bailey, Deaf Smith, Dallam, Oldham, Hartley, Hockley, Cochran, Ford, and Wichita, and the provisions of this chapter shall in no wise relate or apply to the aforesaid counties; provided, that in those counties, bordering on the line of the State, except those bordering on Red River, and the Rio Grande, where there is a depot or place for the shipment of cattle, no inspector of hides and animals shall be elected, but one for each of such counties shall be appointed by the Governor, who shall hold office for two years, and until his successor shall be appointed, and said inspector, so appointed, shall take the constitutional oath of office and give the bond now required of inspectors of hides and animals, and such inspector shall receive the same fees now allowed to inspectors of hides and animals, and perform the same duties; provided, that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided further, that the counties of Guadalupe, Blanco, Llano, Kendall, and Hamilton shall be exempt from all laws regulating the inspection of hides.

104. Amend article 5069 by striking out all that part of it after the word "county" in the third line.

105. Amend article 5070 by having the marginal reference read "acts of 1889, p. 29."

106. Amend article 5083 by striking

out of the ninth line "5122," and inserting in lieu thereof, "5120."

107. Amend article 5112 by striking out of the sixth line "5117" and "5118," and inserting in lieu thereof the numbers "5110" and "5111," respectively.

108. Amend article 5120 by adding thereto subdivision 6, as follows:

"6. The assessors of taxes shall furnish to the board of equalization, on the first Monday in June of each year, or as soon thereafter as practicable, a certified list of names of all persons who either refuse to swear or to qualify, or to have signed the oath or affirmation as required by law, together with the assessment of said persons' property made by him through other information; and the board of equalization shall examine, equalize and correct assessments so made by the assessor, and when so revised, equalized and corrected, the same shall be approved."

Also further amend by adding next after said article, another article (5120a) as follows:

"Article 5120a (4712). If the assessor of taxes shall discover in his county any real property which has not been assessed or rendered for taxation for any year since 1870, he shall list and assess the same for each and every year for which it has not been assessed, in the manner prescribed in the preceding article, and such assessment shall be as valid and binding as though it had been rendered by the owner thereof; but no such real property shall be assessed by the assessor unless he has ascertained by the certificate of the Comptroller of Public Accounts the fact that the record of his office do not show that the property has been rendered or assessed for the year in which he assesses it. [Acts 1888, p. 4.]

109. Amend 5166 by striking out of the marginal reference "Ib." and inserting in lieu thereof "Acts 1876."

110. Amend article 5168 by striking out of the marginal reference "Ib." and inserting in lieu thereof, "Acts 1876, p. 261, §12."

111. Amend article 5175 by inserting next thereafter another article (5175a), as follows:

"Article 5175a. In all cases where a taxpayer makes an assignment of his property for the payment of his debts, or where his property is levied upon by creditors, by writs of attachment or otherwise, or where the estate of a decedent is or becomes insolvent, and the taxes assessed against such person or party, or against any of his estate, remains unpaid in part or in whole, the amount of such unpaid taxes shall be a first lien upon all such property; pro-

vided, that when taxes are due by an estate of a deceased person, the lien herein provided for shall be subject to the allowances to widows and minors, funeral expenses, and expenses of last sickness; and such unpaid taxes shall be paid by the assignee, when said property has been assigned, by the sheriff out of the proceeds of sale in case such property has been seized under attachment or other writ, and by the administrator or other legal representative of decedents, and if said taxes shall not be paid, all said property may be levied on by the tax collector and sold for such taxes in whomsoever's hands it may be found."

112. Amend article 5200 by striking "Ib." from the marginal reference and inserting in lieu thereof, "Acts of 1878, p. 259."

113. Amend article 5212 by adding next thereafter another article (5212a), as follows:

"Article 5212a. Hereafter it shall be the duty of the district or county attorney of the respective counties of this State, by order of the commissioners court, to institute suit in the name of the State for the recovery of all money due the State and county as taxes due and unpaid on unrendered personal property; and in all suits where judgments are obtained under this act the person owning the property on which there are taxes due the State and county shall be liable for all costs; provided, such suits may be brought for all taxes so due and unpaid for which such delinquent tax payer may be in arrears for and since the year 1886; and provided further, the State and county shall be exempt from liability for any costs growing out of such action; provided, all suits brought under this article for the recovery of taxes due on personal property shall be brought against the person or persons who owned the property at the time such property should have been listed or assessed for taxation; provided, that no suit shall be brought until after demand is made by the collector for taxes due; and provided further, that no suit shall be brought for an amount less than twenty-five dollars."

114. Strike out all of article 5364 and insert in lieu thereof the following:

"Article 5364. The counties of Grayson, Freestone, Gonzales, Morris, Titus, Cass, Marion, Bowie, Red River, Trinity, San Jacinto, Polk, Anderson, Van Zandt, Cameron, Collin, Colorado, Grimes, Houston, Webb, Encinal, Hunt, Hopkins, Ellis, Dallas, Rockwall, Denton, Fannin, Henderson, Brazos, Smith, Panola, Gregg, Lamar, Wood, Rains, Limestone, Cooke, Brown, Comanche, Cherokee, Mills, Montgomery, Shelby,

Lee, Burleson, Rusk, Lavaca, Milam, Wise, Upshur, Robertson, Camp, Parker, Franklin, Navarro, Karnes, Wilson, Atascosa, Harrison, San Augustine, Sabine, Fayette, Austin, Leon, Madison, Hill, Bosque, Waller, Fort Bend, Washington, Guadalupe, Caldwell, Hays, Tarrant, Johnson, Clay, Montague, Erath, Hood, Somervell, Bastrop, Harris, Harrison, Camp, Orange, Jefferson, Hardin, Liberty, Chambers, Newton, Tyler, Jasper, Kaufman, Nacogdoches, DeWitt, Victoria, Jackson, Calhoun, Refugio, Goliad, and Aransas counties are exempt from the provisions of this title.

115. Amend the final title by having section 20 thereof read as follows:

"Section 20. That no laws, general or special, enacted by the Twenty-third Legislature, or by the present session of the Twenty-fourth Legislature, shall be in any way affected by the repealing clause of this title, but any and all such laws shall continue to be the law of this State, this act of revision to the contrary notwithstanding."

116. Also amend further by having section 22 thereof read as follows:

"Section 22. That these Revised Statutes shall take effect and be in force at 12 o'clock meridian on the first day of September, A. D. 1895.

117. Also amend section 23 to read as follows:

"Section 23. Because of the importance and great length of this act, and the near approach of the end of the present session of the Legislature, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days should be suspended, and it is therefore suspended."

SMITH, Chairman.

On motion of Senator Goss, regular order was suspended to take up

Senate bill No. 257, a bill entitled "An act to attach Gray county to Roberts county for judicial purposes."

Bill read second time and ordered engrossed.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Agnew,	Dibrell,
Atlee,	Dickson,
Bailey,	Gage,
Beall,	Goss,
Bowser,	Greer,
Colquitt,	Harrison,
Darwin,	Lawhorn,
Dean,	Rogers,

Shelburne,	Tips,
Sherrill,	Whitaker,
Steele,	Woods.

Nays—1.

Smith.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Lewis,	Simpson.
Presler,	

Bill read third time, and passed by the following vote:

Yeas—24.

Agnew,	Greer,
Atlee,	Harrison,
Bailey,	Lawhorn,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Dickson,	Tips,
Gage,	Whitaker,
Goss,	Woods.

Nays—none.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Lewis,	Presler.
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Senator Rogers moved to suspend regular order of business to take up

Senate bill No. 66, a bill entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-third Legislature, chapter 83, page 109."

Lost.

Senator Dibrell called up

Senate bill No. 207, a bill to be entitled "An act to amend sections 1 and 7 of chapter 62 of the acts of the Twenty-third Legislature of the State of Texas, approved April 28, 1893, and entitled 'An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act,'"

With House amendment, and moved to concur in said amendment.

Concurred by the following vote:

## Yeas—24.

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.

## Nays—none.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Dickson,	Lewis.
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Senator Beall called up

Senate bill No. 179, a bill entitled "An act to provide for the issuance of attachments for witnesses in felony cases to counties other than those in which the trial is had, and to provide for the payment of the expenses of such witnesses,"

Action being on engrossment.

Bill ordered engrossed by the following vote:

## Yeas—13.

Atlee,	Presler,
Bailey,	Rogers,
Beall,	Sherrill,
Bowser,	Steele,
Colquitt,	Tips,
Dean,	Whitaker.
Gage,	

## Nays—10.

Darwin,	Lawhon,
Dibrell,	Shelburne,
Goss,	Simpson,
Greer,	Smith,
Harrison,	Woods.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Agnew,	Lewis.
Dickson,	

On motion of Senator Bowser, regular order of business was suspended to take up

Senate bill No. 247, being a bill to be entitled "An act providing for the amendment of article 2971 of the Revised Statutes of the State of Texas, and to substitute in lieu thereof the bill."

Action being upon Senator Dibrell's motion to reconsider the vote by which the bill failed to pass to engrossment.

## Reconsidered by the following vote:

## Yeas—19.

Atlee,	Presler,
Bailey,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.
Lawhon,	

## Nays—4.

Beall,	Harrison,
Darwin,	Steele.

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Agnew,	Lewis.
Dickson,	

By Senator Simpson:

Amend article 2971, line 23, by striking out all after the word "unless" and inserting the following in lieu thereof: The damage to the building so insured shall be equal to or exceed three-fourths the actual cash value thereof at the time of the fire."

Adopted.

(Senator Goss in the chair.)

Senator Colquitt moved that the Senate stand adjourned till tomorrow morning at 10 o'clock.

Lost.

The bill (Senate bill No. 247) was ordered engrossed by the following vote:

## Yeas—12.

Bowser,	Shelburne,
Colquitt,	Sherrill,
Dean,	Simpson,
Goss,	Tips,
Greer,	Whitaker,
Presler,	Woods.

## Nays—9.

Atlee,	Harrison,
Beall,	Rogers,
Darwin,	Smith,
Dibrell,	Steele.
Gage,	

Absent, excused.

Boren,	McKinney,
McComb,	Stafford.

Absent, not excused.

Agnew,	Lawhon.
Bailey,	Lewis.
Dickson,	

On motion of Senator Colquitt, Senate adjourned till tomorrow morning at 10 o'clock.